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Wilhelmus J. Van Gestel

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EXAMINER

CHIO, TAT CHI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,533	Applicant(s) VAN GESTEL ET AL.	
	Examiner TAT CHIO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/8/2009 have been fully considered but they are not persuasive.

Applicant argues that claims 29-32 contain functional descriptive material.

In response, the examiner respectfully disagrees. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diamond v. Diehr*, 450 U.S. 175, 185-86, 209 USPQ 1, 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data. In this application, claims 29-32 recite the mere arrangement of data.

Terminal Disclaimer

2. An attorney or agent, not of record, is not authorized to sign the terminal disclaimers filed on 7/16/2008 in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).

3. The assignee has not established its ownership interest in the application, in order to support the terminal disclaimer. There is no submission in the record establishing the ownership interest by either (a) providing documentary evidence of a chain of title from the original inventor(s) to the assignee and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11, or (b) specifying (by reel and frame number) where such documentary evidence is recorded in the Office (37 CFR 3.73(b)).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 29 and 33 recite the limitation "the video information". There is insufficient antecedent basis for this limitation in the claim. The dependent claims of claims 29 and 33 are also rejected.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter and should be rejected under 35 U.S.C. 101. Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping or sequence of musical notes read from memory and thereafter causes another defined series of notes to be played, requires a functional interrelationship among that data and the computing processes performed when utilizing that data. As such, a claim to that computer is statutory subject matter because it implements a statutory process.

Claims 29-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 29-32 recite a computer-readable medium which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claims 29-32 are rejected under 35 U.S.C. 101 because in the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and given the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 22-38 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-9, 11-14, and 16-20 of U.S.

Patent No. US 6724978 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Consider claim 22, claim 3 of US 6724978 recites the recording arrangement as claimed in claim 1, wherein: the channel encoding means stores information included in x transport packets of the MPEG information signal in the second block sections of a first group of y first signal blocks of said signal blocks of the channel signal so as to enable a normal play mode using video information stored in said first group of y first signal blocks during a normal play reproduction mode; and the channel encoding means further retrieves a trick mode video signal from the MPEG information signal and stores said trick mode video signal in second block sections of a second group of z second

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signal blocks of said signal locks of the channel signal so as to enable a trick play mode using the video information stored in said second signal blocks, wherein the second block sections of at least one signal block in each first and second group of first and second signal blocks, respectively, comprise a third block section for storing identification information indicating whether the group comprises the first signal blocks or second signal blocks, in which z is an integer where $z > 1$. It is noted that the recording arrangement of claim 22 of this application is broader than the recording arrangement of claim 3 of US Patent No. 6724978 B2 and therefore obviousness-type double patenting rejection is applied.

Consider claim 23, claim 6 of US 6724978 recites the recording arrangement as claimed in claim 5, wherein the second block sections of a group of y signal blocks each comprise a third block section for storing sequence number information relating to a transport packet sequence number corresponding to the transport packet of which information is stored in said signal block. It is noted that the recording arrangement of claim 23 of this application is broader than that of claim 6 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 24, claim 5 of US 6724978 recites the recording arrangement as claimed in claim 3, wherein the second block sections of all signal blocks in each first and second group of first and second signal blocks respectively comprise a third block section for storing identification information indicating whether the group comprises first signal blocks or second signal blocks. It is noted that the recording arrangement of

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claim 24 of this application is broader than that of claim 5 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 25, claim 6 of US 6724978 recites the recording arrangement as claimed in claim 5, wherein the second block sections of a group of y signal blocks each comprise a third block section for storing sequence number information relating to a transport packet sequence number corresponding to the transport packet of which information is stored in said signal block. It is noted that the recording arrangement of claim 25 of this application is broader than that of claim 6 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 26, claim 7 of US 6724978 recites the recording arrangement as claimed in claim 1, wherein the recording arrangement further comprises: detection means for detecting the moment of receipt of the transport packets, and for generating timing information for each transport packet received, and wherein the second block sections of at least those signal blocks in a group of y signal blocks that comprise the start portion of a transport packet comprise a third block section for storing the timing information for said transport packet having its start portion stored in the second block section of the signal block. It is noted that the recording arrangement of claim 26 of this application is broader than that of claim 7 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 27, claim 8 of US 6724978 recites The recording arrangement as claimed in claim 7, wherein the second block sections of a group of y signal blocks each

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comprise a third block section for storing the timing information corresponding to the transport packet which has information stored in the second block section of said signal block. It is noted that the recording arrangement of claim 27 of this application is broader than that of claim 8 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 28, claim 9 of US 6724978 recites the recording arrangement as claimed in claim 1, wherein $y > x$. It is noted that the recording arrangement of claim 28 of this application is broader than that of claim 9 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 29, claim 12 of US 6724978 recites the record carrier as claimed in claim 10, wherein the channel encoded information signal recorded in a track comprises a first group of y first signal blocks so as to enable a normal play mode using the video information stored in said first group of y first signal blocks during a normal play reproduction mode, and comprises a second group of z second signal blocks in which a trick mode video signal is stored so as to enable a trick play mode using the video information stored in said second group of z second signal blocks, wherein indication information indicating whether a group comprises first signal blocks or second signal blocks is stored in the third block sections of at least one signal block of the first and second groups. It is noted that the record carrier of claim 29 of this application is broader than that of claim 12 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 30, claim 11 of US 6724978 recites the record carrier as claimed in claim 10, wherein sequence number information relating to the sequence number of the signal blocks is stored in the third block sections of the signal blocks. It is noted that the record carrier of claim 30 of this application is broader than that of claim 11 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 31, claim 13 of US 6724978 recites the record carrier as claimed in claim 10, wherein the third block section of the second block sections of at least those signal blocks in a group of y signal blocks that comprises the start portion of a transport packet comprise information relating to a transport packet sequence number corresponding to the transport packet having its start portion stored in the second block section of the signal block. It is noted that the record carrier of claim 31 of this application is broader than that of claim 13 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 32, claim 14 of US 6724978 recites the record carrier as claimed in claim 10, wherein the third block section of the second block sections of at least those signal blocks in a group of y signal blocks that comprises the start portion of a transport packet comprise timing information for said transport packet having its start portion stored in the second block section of the signal block. It is noted that the record carrier of claim 32 of this application is broader than that of claim 14 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 33, claim 17 of US 6724978 recites the reproducing arrangement as claimed in claim 15, wherein information contained in x transport packets of the MPEG information signal is stored in the second block sections of a first group of y first signal blocks of the channel signal enabling a normal play mode using the video information stored in said first group of y first signal blocks during a normal play reproduction mode, a trick mode video signal being stored in a second group of z second block sections of second signal blocks of said signal blocks of the channel signal enabling a trick play mode using the video information stored in said second group of second signal blocks, wherein the second block sections of at least one first and second signal block in the first and second group each comprise a third block section for storing indication information indicating whether the group comprises first signal blocks or second signal blocks, wherein the first retrieving means retrieves, in said normal play mode, the video information of the x transport packets of the MPEG information signal from the first group of y first signal blocks, and retrieves, in said trick play mode, the trick mode video signal from the second group of z second signal blocks, in response to a first or a second control signal, and wherein the second retrieving means retrieves the indication information indicating whether the group comprises first signal blocks or second signal blocks from the third block sections of the at least one signal block in the first and second groups, respectively, the second retrieving means generating said first and second control signals in response thereto. It is noted that the reproducing arrangement of claim 33 of this application is broader than that of claim 17 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 34, claim 16 of US 6724978 recites the reproducing arrangement as claimed in claim 15, wherein the second block sections of the signal blocks comprise a third block section for storing sequence number information relating to the sequence number of the signal block, and wherein the second retrieving means retrieves the sequence number information from the third block sections of the signal blocks in said tracks. It is noted that the reproducing arrangement of claim 34 of this application is broader than that of claim 16 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 35, claim 18 of US 6724978 recites the reproducing arrangement as claimed in claim 15, wherein the second block sections of at least those signal blocks in a group of y signal blocks that comprises the start portion of a transport packet, comprise a third block section for storing sequence number information relating to a transport packet sequence number corresponding to the transport packet having its start portion stored in the second block section of the signal block, and wherein the second retrieving means retrieves the sequence number information relating to the transport packet sequence number from a third block section of a signal block in the group of y signal blocks. It is noted that the reproducing arrangement of claim 35 of this application is broader than that of claim 18 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 36, claim 19 of US 6724978 recites the reproducing arrangement as claimed in claim 15, wherein the second block sections of at least those signal blocks in a group of y signal blocks that comprises the start portion of a transport packet,

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comprise a third block section for storing timing information for said transport packet having its start portion stored in the second block section of the signal block, and wherein the second retrieving means retrieves the timing information from a third block section of a signal block in the group of y signal blocks. It is noted that the reproducing arrangement of claim 36 of this application is broader than that of claim 19 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 37, claim 20 of US 6724978 recites the reproducing arrangement as claimed in claim 15, wherein $y > x$. It is noted that the reproducing arrangement of claim 37 of this application is broader than that of claim 20 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

Consider claim 38, claim 3 of US 6724978 recites the recording arrangement as claimed in claim 1, wherein: the channel encoding means stores information included in x transport packets of the MPEG information signal in the second block sections of a first group of y first signal blocks of said signal blocks of the channel signal so as to enable a normal play mode using video information stored in said first group of y first signal blocks during a normal play reproduction mode; and the channel encoding means further retrieves a trick mode video signal from the MPEG information signal and stores said trick mode video signal in second block sections of a second group of z second signal blocks of said signal blocks of the channel signal so as to enable a trick play mode using the video information stored in said second signal blocks, wherein the second block sections of at least one signal block in each first and second group of first and second signal blocks, respectively, comprise a third block section for storing

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identification information indicating whether the group comprises the first signal blocks or second signal blocks, in which z is an integer where $z > 1$. The method of claim 38 of this application can be used to operate the recording arrangement of claim 3 of US 6724978 and therefore obviousness-type double patenting rejection is applied.

3. Claims 22-38 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. US 6490406 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Consider claims 22-28 and 38, claim 2 of US 6724978 recites the a reproducing arrangement for reproducing a digital information signal, the digital information signal being an MPEG information signal with an MPEG format of multiple transport packets, said reproducing arrangement comprising: means for reading a channel signal from a track of a record carrier, the channel signal including multiple signal blocks having first block sections with a synchronizing signal and second block sections of multiple channel bytes, the second block sections containing third block sections that include information to control the reproduction of the MPEG information signal; means for channel decoding the channel signal into the digital information signal; and an output terminal for supplying the digital information signal, wherein the channel decoding means comprises: formatting means for providing information from the second block sections of a group of y signal blocks of the channel signal into x transport packets of the MPEG information signal, where x and y are integers such that $x \geq 1$ and $y > 1$; and control means for controlling the reproduction of the MPEG information signal

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depending on the control information retrieved from the third block sections, wherein:
 $y > x$; third block sections of the groups of signal blocks, includes information identifying a signal block as the first signal block of the respective group; the control means recognizes the first signal block of a group of signal blocks and for controlling the reproduction of the MPEG information signal depending on the information identifying the first signal block of a group of signal blocks; the third block sections of the group of signal blocks include information related to the sequence numbers of the signal blocks in the group; the control means controls the reproduction of the MPEG information signal depending on the sequence number information, determines if a signal block has been missed, depending on the sequence numbers of the signal blocks, and performs error correction or error concealment depending on the determination; the control means recognizes that two signal blocks have the same sequence number and corrects errors in the channel signal depending on both of the two signal blocks; the control means de-shuffles the order of the signal blocks depending on the sequence numbers of the signal blocks indicating that the order of the signal blocks is shuffled; the group of y signal blocks contain normal play information in the second block sections; the formatting means provides normal play video information from the group of y signal blocks into x transport packets to enable normal play using the video information stored in the group of y signal blocks during a normal play reproduction mode; a group of z signal blocks contain trick play information in the second block sections; the formatting means provides trick play video information from second block sections of a group of z signal blocks into the x transport packets of the MPEG information signal, where z is an

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integer such that $z \geq 1$, enabling trick play using the video information stored in the group of z signal blocks during a trick play reproduction mode; the third block sections include play mode information indicating whether the group includes normal play signal blocks or trick play signal blocks; the control means produces either a normal play MPEG information signal or a trick play MPEG information signal depending on the play mode information; the third block sections of a group of signal blocks, include packet skip information for determining whether the information for any MPEG transport packets are missing; the control means produces the MPEG information signal depending on the packet skip information of the transport packets, the packet skip information of a group of signal blocks including information relating to a sequence number of the included transport packet, and including information relating to the included timing of the included transport packet; and the control means determines which transport packets have been skipped depending on the packet skip information, and inserts dummy transport packets into the MPEG information signal depending on the determination of which transport packets are missing, thereby regenerating the MPEG information signal with the same number and timing of packets as in an original MPEG information signal. However, claim 2 of US 6490406 does not explicitly teach a recording arrangement. The examiner takes official notice that recording information reproduced from a recording medium is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the reproduced information for user's convenience and therefore, the obviousness-type double patenting rejection is applied.

consider claims 29-32, claim 2 of US 6724978 recites a reproducing arrangement for reproducing a digital information signal, the digital information signal being an MPEG information signal with an MPEG format of multiple transport packets, said reproducing arrangement comprising: means for reading a channel signal from a track of a record carrier, the channel signal including multiple signal blocks having first block sections with a synchronizing signal and second block sections of multiple channel bytes, the second block sections containing third block sections that include information to control the reproduction of the MPEG information signal; means for channel decoding the channel signal into the digital information signal; and an output terminal for supplying the digital information signal, wherein the channel decoding means comprises: formatting means for providing information from the second block sections of a group of y signal blocks of the channel signal into x transport packets of the MPEG information signal, where x and y are integers such that $x \geq 1$ and $y > 1$; and control means for controlling the reproduction of the MPEG information signal depending on the control information retrieved from the third block sections, wherein: $y > x$; third block sections of the groups of signal blocks, includes information identifying a signal block as the first signal block of the respective group; the control means recognizes the first signal block of a group of signal blocks and for controlling the reproduction of the MPEG information signal depending on the information identifying the first signal block of a group of signal blocks; the third block sections of the group of signal blocks include information related to the sequence numbers of the signal blocks in the group; the control means controls the reproduction of the MPEG information signal depending on the sequence number

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information, determines if a signal block has been missed, depending on the sequence numbers of the signal blocks, and performs error correction or error concealment depending on the determination; the control means recognizes that two signal blocks have the same sequence number and corrects errors in the channel signal depending on both of the two signal blocks; the control means de-shuffles the order of the signal blocks depending on the sequence numbers of the signal blocks indicating that the order of the signal blocks is shuffled; the group of y signal blocks contain normal play information in the second block sections; the formatting means provides normal play video information from the group of y signal blocks into x transport packets to enable normal play using the video information stored in the group of y signal blocks during a normal play reproduction mode; a group of z signal blocks contain trick play information in the second block sections; the formatting means provides trick play video information from second block sections of a group of z signal blocks into the x transport packets of the MPEG information signal, where z is an integer such that $z \geq 1$, enabling trick play using the video information stored in the group of z signal blocks during a trick play reproduction mode; the third block sections include play mode information indicating whether the group includes normal play signal blocks or trick play signal blocks; the control means produces either a normal play MPEG information signal or a trick play MPEG information signal depending on the play mode information; the third block sections of a group of signal blocks, include packet skip information for determining whether the information for any MPEG transport packets are missing; the control means produces the MPEG information signal depending on the packet skip information of the

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transport packets, the packet skip information of a group of signal blocks including information relating to a sequence number of the included transport packet, and including information relating to the included timing of the included transport packet; and the control means determines which transport packets have been skipped depending on the packet skip information, and inserts dummy transport packets into the MPEG information signal depending on the determination of which transport packets are missing, thereby regenerating the MPEG information signal with the same number and timing of packets as in an original MPEG information signal. The reproducing arrangement of claim 2 of US 6490406 can be used to reproduce the information recorded on the record carrier of this application and therefore the obviousness-type double patenting rejection is applied.

Consider claims 33-37, claim 2 of US 6724978 recites a reproducing arrangement for reproducing a digital information signal, the digital information signal being an MPEG information signal with an MPEG format of multiple transport packets, said reproducing arrangement comprising: means for reading a channel signal from a track of a record carrier, the channel signal including multiple signal blocks having first block sections with a synchronizing signal and second block sections of multiple channel bytes, the second block sections containing third block sections that include information to control the reproduction of the MPEG information signal; means for channel decoding the channel signal into the digital information signal; and an output terminal for supplying the digital information signal, wherein the channel decoding means comprises: formatting means for providing information from the second block

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sections of a group of y signal blocks of the channel signal into x transport packets of the MPEG information signal, where x and y are integers such that $x \geq 1$ and $y > 1$; and control means for controlling the reproduction of the MPEG information signal depending on the control information retrieved from the third block sections, wherein: $y > x$; third block sections of the groups of signal blocks, includes information identifying a signal block as the first signal block of the respective group; the control means recognizes the first signal block of a group of signal blocks and for controlling the reproduction of the MPEG information signal depending on the information identifying the first signal block of a group of signal blocks; the third block sections of the group of signal blocks include information related to the sequence numbers of the signal blocks in the group; the control means controls the reproduction of the MPEG information signal depending on the sequence number information, determines if a signal block has been missed, depending on the sequence numbers of the signal blocks, and performs error correction or error concealment depending on the determination; the control means recognizes that two signal blocks have the same sequence number and corrects errors in the channel signal depending on both of the two signal blocks; the control means de-shuffles the order of the signal blocks depending on the sequence numbers of the signal blocks indicating that the order of the signal blocks is shuffled; the group of y signal blocks contain normal play information in the second block sections; the formatting means provides normal play video information from the group of y signal blocks into x transport packets to enable normal play using the video information stored in the group of y signal blocks during a normal play reproduction mode; a group of z

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signal blocks contain trick play information in the second block sections; the formatting means provides trick play video information from second block sections of a group of z signal blocks into the x transport packets of the MPEG information signal, where z is an integer such that $z \geq 1$, enabling trick play using the video information stored in the group of z signal blocks during a trick play reproduction mode; the third block sections include play mode information indicating whether the group includes normal play signal blocks or trick play signal blocks; the control means produces either a normal play MPEG information signal or a trick play MPEG information signal depending on the play mode information; the third block sections of a group of signal blocks, include packet skip information for determining whether the information for any MPEG transport packets are missing; the control means produces the MPEG information signal depending on the packet skip information of the transport packets, the packet skip information of a group of signal blocks including information relating to a sequence number of the included transport packet, and including information relating to the included timing of the included transport packet; and the control means determines which transport packets have been skipped depending on the packet skip information, and inserts dummy transport packets into the MPEG information signal depending on the determination of which transport packets are missing, thereby regenerating the MPEG information signal with the same number and timing of packets as in an original MPEG information signal. It is noted that the reproducing arrangement of claims 33-37 of this application is broader than that of claim 2 of US 6490406 and therefore obviousness-type double patenting rejection is applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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